

### **III. Remarks**

#### **A. Introduction**

Reconsideration and allowance of the present application are respectfully requested. Claims 5-10, 15-18, and 20-25 are pending. Claims 6, 9, 16, and 21-25 have been amended. No claims have been cancelled or added. No new matter has been introduced.

Claims 9, 21, 22, and 24 have been amended to clarify that the second antioxidant, namely the thioether, is present in the blend solution in an amount greater than 40% by weight, as indicated on page 6, lines 11. Claims 6, 16, 23, and 25 have been amended to clarify that the ratio of the first antioxidant, hinder phenolic compound, to second antioxidant, thioether, is 45:55, as indicated on page 6, lines 16-17.

#### **B. Claim Rejections under Section 103(a)**

Claims 5-10, 15-18, and 20-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 1,054,052 to Reyes-Gavilan, *et al.* ("Reyes-Gavilan") in view of WO 2002/0006878 to Abraham, *et al.* ("Abraham"). Applicants respectfully traverse this rejection for the reasons that follow.

#### **1. Office Actions Fails to Provide a Reference or Combination of References that Teach Every Claim Element.**

To reject a claim based on 35 U.S.C. § 103(a) all of the claim limitations must be taught or suggested by the cited references. *See In re Royka*, 490 F.2d 981, 985 (CCPA 1974).

As amended, independent Claim 9 recites a composition "wherein the ditiidecylthiodipropionate comprises greater than 40% by weight of the liquid solution." Independent Claim 24 recites a similar feature as Claim 9. Similarly, Independent Claim 21 recites a composition, "wherein the liquid blend comprises at least 40% by weight of the second antioxidant dissolved in the first antioxidant." Independent Claim 22 recites a similar feature as Claim 21. The Office Action improperly alleges that Reyes-Gavilan teaches a composition having 25-60 wt% of a hindered phenolic antioxidant and 5-30 wt% of a thioether. Reyes-Gavilan states that the hindered phenolic antioxidant, referred to as component c, is present in an

amount of from 15-45 wt%. (*See* Reyes-Gavilan, para. 62). The alleged ranges provided in the Office Action appear to related to component d, which is an aminic antioxidant. As amended, the independent claims refer to the second antioxidant, the thioether, being present in an amount greater than 40%. Reyes-Gavilan only teaches 5-30 wt% of a thioether. Thus, Reyes-Gavilan cannot teach the claimed weight percentage of thioether in the independent claims. Abraham is only being offered to teach a specific phenolic antioxidant and does not teach or suggest thioethers used in combination with a phenolic antioxidant, let alone any weight percent range for thioethers. Therefore, for at least this reason, independent Claims 9, 21, 22 and 24 are patentable over Reyes-Gavilan in view of Abraham and this rejection should be withdrawn.

## **2. Dependent Claims**

Dependent Claims 10 and 23 contain all the limitations of independent Claim 9 from which they depend and thus are patentable over the cited reference for at least the same reasons as independent Claim 9. Dependent Claims 5-8 contain all the limitations of independent Claim 21 from which they depend and thus are patentable over the cited reference for at least the same reasons as independent Claim 21. Dependent Claims 15-18 contain all the limitations of independent Claim 22 from which they depend and thus are patentable over the cited reference for at least the same reasons as independent Claim 22. Dependent Claims 20 and 25 contain all the limitations of independent Claim 24 from which they depend and thus are patentable over the cited reference for at least the same reasons as independent Claim 24.

## **C. Conclusion**

In view of the above remarks, it is believed that this application is in condition for allowance, and a Notice thereof is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3536. All correspondence should continue to be directed to the below-listed address.

Respectfully submitted,

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